

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60007-CR-SINGHAL

UNITED STATES OF AMERICA

v.

GAIL RUSS, et al.

NOTICE OF INTENT TO PROCEED UNDER FRE 902 & 803

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, herein gives this notice of the Government's intent to proceed under Federal Rules of Evidence (FRE) 902 and 803.

The records with accompanying certifications that have previously been provided in discovery which the government intends to introduce at trial are as follows:

Bank records

- TD Bank
- Bank of America
- Affinity Credit Union
- Proponent FCU
- CitiBank
- PNC Bank

Educational Verification records

- SNH Management Company d/b/a Universal Background Screening

Employment records

- Golden Gate Rehab
- Sunrise Senior Living
- Department of Veterans Affairs
- Aveanna Health Care

National Council of State Boards of Nursing

- NCLEX test results

Email Providers

- Yahoo
- Google
- GoDaddy

Digital Evidence

FBI imaged electronics

- Rony Michel Google email account
- Geralda Adrien phone 1
- Geralda Adrien phone 2

HHS imaged electronics

- Rony Michel phone
- Success Nursing Review Yahoo email account
- Ludnie Jean Yahoo email account
- Cheryl Stanley phone 1
- Cheryl Stanley phone 2
- Johanah Napoleon phone 1
- Johanah Napoleon phone 2
- Johanah Napoleon Yahoo email account
- GoDaddy email records for Palm Beach School of Nursing
- Gail Russ phone 1
- Gail Russ phone 2
- Gail Russ electronic devices obtained from residence

Clinical Site

- Hollywood Birthing Center

The Government intends to admit these records pursuant to FRE 902(11)-(12) and 803(6), which allows for the admissibility and authenticity of business records via certifications provided by record custodians. *See* FED. R. EVID. 902(11)-(12) and 803(6). Pursuant to FRE 902(11):

Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record – and must make the record and certification available for inspection – so that the party has a fair opportunity to

challenge them.

FED. R. EVID. 902(11).

The underlying documents and records listed above, including any corresponding certifications, already have been provided to the defense. The United States previously also provided the required FRE 902(11) notices to the defense. Accordingly, the defense has enjoyed ample opportunity to inspect said documents prior to trial.

Additionally, with respect to the following public records, Rule 803(8) permits the introduction of various types of public records at trial, including records that are made pursuant to a duty imposed by law. The Government intends to admit any below-listed public records pursuant to FRE 803(8) and 902(1)-(2) and (4), which allows for the admissibility and authenticity of certified public records. *See* FED. R. EVID. 803(8) and 902(1)-(2) and (4).

State Corporate records

- Florida Department of State
- New York Department of State
- New Jersey Division of Revenue

State Education Records (Non-Existence of Records)

- New York State Education Department (3)
- Florida Commission for Independent Education

Florida Board of Nursing records

Florida Department of Education records

State Driver's License records (Florida, New York, New Jersey)

All of these records should be admitted without accompanying witness or custodian testimony. The Government reserves the right to further update this document list and notice as circumstances dictate.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 21, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Christopher J. Clark

CHRISTOPHER J. CLARK

ASSISTANT UNITED STATES ATTORNEY